

**3<sup>rd</sup> DRAFT**

# **Evergreen Development Policy**

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**City of San Jose  
Working Draft  
September 2006**

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## I. BACKGROUND

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### PURPOSE OF ORIGINAL EVERGREEN DEVELOPMENT POLICY

The original *Evergreen Development Policy* (EDP) was adopted in August 1976 to address the issues of flood protection and traffic capacity in the Evergreen area. The EDP was based on City analyses, which concluded that transportation and flood protection deficiencies constituted substantial constraints to development in Evergreen. The 1976 EDP established the policy framework for dealing with the buildout of Evergreen as identified by the General Plan at that time, and identified specific programs for correcting the service deficiencies. Since the adoption of the EDP, growth in the Evergreen area has been limited by the availability of urban services, particularly the capacity of the transportation and flood control systems. In particular, the goal of the EDP was to limit the construction of new residential units so that a traffic Level of Service “D” would be maintained at key boundary (screenline) intersections.

### SUMMARY OF PREVIOUS UPDATES

Under the original EDP, the screenline intersections reached their maximum traffic capacity in 1989, effectively preventing additional residential development. At that point however there was potential for the construction of almost four thousand new units based on existing General Plan land use designations. Of these potential units, 3,000 were within a sub-area of the EDP, the *Evergreen Planned Residential Community* (EPRC).

In 1990, the City Council initiated the *Evergreen Specific Plan* (ESP) for the EPRC to create a unique suburban area with a mix of lot sizes, housing types, some retail, parks, schools, and other amenities. The ESP was the catalyst to revise the EDP, and through that effort, the City was able to identify additional traffic mitigation to support the construction of the new units. Traffic analysis performed in conjunction with the preparation of the *Evergreen Specific Plan* (ESP) quantified the amount of traffic capacity required to allow full development of the remaining vacant lands in Evergreen, and identified potential street improvements which could provide the required capacity. In 1991, the City Council approved the ESP and revised the *Evergreen Development Policy* to be consistent with the Evergreen Specific Plan.

The *Evergreen Development Policy* was again revised in 1995 to provide the policy framework for the buildout of Evergreen based on the General Plan at that time. With the goal of maintaining the basic traffic LOS “D” and hundred-year flood projection

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standards of the original 1976 and 1991 Revised EDP were preserved as prerequisites to project approvals. The 1995 Revised EDP identified the remaining watersheds and street system improvements required to allow 4,759 dwelling units to proceed. A Benefit Assessment District (No. 91-209SJ Aborn-Murillo) was formed to provide a cost-sharing plan to finance and construct the extensive infrastructure network enhancements necessary to facilitate the planned and potential dwelling units identified by the San José 2020 General Plan and the *Evergreen Specific Plan*. In 1998 the Benefit Assessment District was augmented and updated through the formation of Community Facilities District No. 4 as a result of changes to the laws governing special districts. The Assessment District remains in effect along with the Community Facilities District.

A minor modification was made to the EDP Ordinance in August 1998 to refine the traffic analysis methodology in order to facilitate small-scale, non-residential development. Following this modification, transportation methodology was no longer based upon screenlines, but based upon measurement at all affected intersections.

In 1980 the City approved General Plan amendments to exchange land uses between the Evergreen and Berryessa areas. This exchange became known as the Berryessa/Evergreen Swap. Approximately 300 acres in the Berryessa area were converted from Industrial Park uses to residential uses. To complement the industrial-to-residential conversion in Berryessa, approximately 375 acres of land in Evergreen were converted from low density residential to Campus Industrial uses. The “swap” was approved to maintain the City’s overall industrial job base and to bring jobs and housing opportunities closer together to help reduce the impacts of commuting.

## **POLICY AREA BOUNDARIES**

The updated *Policy* area boundaries match the original boundaries of the *Evergreen Development Policy*, defined as the land within San Jose's Urban Service Area Boundary, south of Story Road, east of U.S. Highway 101, and north of the intersection of U.S. Highway 101 and Hellyer Avenue (see Figure 1).

The Policy area overlaps with portions of the East Valley/680 Communities, K.O.N.A. and West Evergreen Strong Neighborhood Initiative (SNI) planning areas and fully incorporates the Evergreen Specific Plan area and the Silver Creek Planned Residential Community. Portions of the Policy area are also designated as Redevelopment Project Areas.

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(Insert Figure 1 – Map of EDP Area)

## II. PURPOSE AND GOALS

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The primary purpose of the *Evergreen Development Policy* is to provide a comprehensive policy framework for new development within the Evergreen area. The EDP land use strategy was developed through a community based, consensus process and is intended to promote the long-term vitality of land uses within Evergreen. The EDP links together new development with the provision of new infrastructure and amenities.

The EDP is consistent with the City's General Plan, specifically supporting the General Plan goals of protecting the City's Urban Growth Boundary/Greenline through the promotion of infill development, and the provisions of General Plan Level of Service Policy #5. The City's Level of Service Policy provides alternative standards for determining conformance with the City's Level of Service policy for transportation facilities. The primary reason for adopting an Area Development Policy is to manage the traffic congestion associated with near term development in the Evergreen area and simultaneously promote development consistent with the General Plan goals and neighborhood visions. This Area Development Policy allows continued development of the Evergreen area while balancing the community's needs for amenities and transportation mobility. In exchange for an exceeded LOS standard, the Policy provides a mechanism to construct transportation system improvements and desired neighborhood amenities funded by private development beyond the City's typical scope for such improvements.

The EDP serves as the guiding policy document for new residential development tied to specific transportation and amenity improvements. The EDP establishes specific traffic Level of Service (LOS) standards for the Evergreen area and identifies development capacity for a specific amount of new residential, commercial and other development types. The LOS standards established within the EDP are intended to correspond to the eventual traffic conditions that will result from implementation of the Policy as determined through a traffic analysis prepared during the development of the EDP. The EDP also links the timing of the construction of specific transportation improvements and community amenities with new housing development and sets forth Guiding Principles, establishes general land use and architectural design guidelines for new development in the Evergreen area. The EDP is incorporated into the City's General Plan. A companion document, the EDP Financing Plan, sets forth specific details for the implementation of the EDP in the form of a legal contract between key participating property developers and the City.

The preparation of the, 2006 updated, EDP was enabled through the voluntary participation of several key property owners who were willing to pool resources to fund



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infrastructure and amenity improvements beyond the scale of what could be built through the standard City development entitlement process. The EDP builds upon several prior planning efforts, including the work of the Evergreen Visioning Project, the Evergreen East Hills Vision Strategy (EEHVS) planning process, the Strong Neighborhood Initiative program and the Knight Program in Community Building Evergreen-Eastridge area charrette. Infrastructure and amenity improvements included as part of this Policy were identified through these efforts and drawn directly from the adopted SNI *Improvement Plans*, the City's adopted *Greenprint* and the products of the EVP and charrette.

The goals of the EDP are to:

- Support the community-based vision to guide future development in Evergreen, including a clear concept of the future character of the area.
- Provide development capacity for specific amounts of new residential, commercial and other land uses.
- Identify and establish a mechanism to fund the transportation improvements needed to support this new development capacity.
- Identify and fund community amenities consistent with the vision of the EEHVS.

All new development within the Evergreen area should be consistent with the Guiding Principles and the desired Outcomes endorsed by the City Council in June of 2005, as part of the EEHVS planning process. The EEHVS states that all new development in Evergreen should be sustainable, of high quality, and improve the overall livability of the area. New residential development should create housing opportunities for a wide range of household types and income levels. Infrastructure and services should support the planned levels of residential and non-residential development. New development in transit corridors should incorporate transit-oriented development concepts, and all development should support vibrant land uses linked by various transportation modes and community amenities.

## III. LAND USE

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### GENERAL LAND USE CONCEPTS

The Evergreen Development Policy Land Use Policies are intended to:

- Guide development to appropriate locations within the Evergreen area.
- Provide appropriate flexibility for new development capacity.
- Protect the Urban Growth Boundary and natural resources.
- Facilitate infill development within the Growth Boundary.
- Promote transit-oriented development along the Capitol Corridor to support the Capitol Light Rail expansion.
- Support alternative modes of transportation
- Promote a diversity of housing options within neighborhoods.

### AFFORDABLE HOUSING

Consistent with Key Outcome #5 (see Appendix A – Vision and Outcomes and Appendix B – Guiding Principles for Land Use and Transportation Planning in Evergreen) the Policy is intended to create housing opportunities for a wide range of household types and income levels. Specifically, ... (TBD based upon Task Force recommendation)

### RETAIL STRATEGY

Consistent with Key Outcome #4 (see Appendix A – Vision and Outcomes and Appendix B – Guiding Principles for Land Use and Transportation Planning in Evergreen) the Policy is intended to foster vibrant commercial/business, mixed use, and residential areas including added opportunities for post offices, health care, entertainment and other retail uses. The Policy also encourages mixed-use development. Specifically, ... (TBD based upon Task Force recommendation)

### DEVELOPMENT CAPACITY

This Policy establishes a specific amount of land use development capacity for the Policy area. All new development entitlements for properties located within the Policy area boundaries must be consistent with these provisions.

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## **Existing Development Capacity**

All properties with established development capacity in the form of existing construction onsite, existing entitlements, allocation of development capacity under the previous policy or assigned trips in the City's Approved Trips Inventory (ATI) retain the rights to that development capacity in terms of the associated traffic generation (trips). Existing trip allocations for a property will be credited for any development or redevelopment of that property, including proposed changes in use (e.g. existing commercial or industrial trips can be credited to a new residential project that displaces the commercial or industrial use.) Development beyond the existing trip allocation will require new allocation as provided in the following provisions of this Policy.

## **Major Opportunity Sites**

Specific amounts of new development capacity are reserved for four sub-areas located within the Policy area. These four sub-areas, referred to as "Major Opportunity Sites" represent the largest, most readily identifiable sites available for new development or redevelopment within the Evergreen area and as such warrant unique treatment. The four Major Opportunity Sites are the "Arcadia Property", the Pleasant Hills Golf Course, the "Campus Industrial" site and the western portion of the Evergreen Valley Community College campus.

### Arcadia Property

The Arcadia Property is an 81-acre site located just south of Eastridge Mall. It is bounded by Quimby Road to the north, Capitol Expressway to the east, Leyva Middle School and Meadowfair Park to the south, and single-family residences to the west.

This Policy allows for the development of up to \_\_\_\_ residential units on this site. Of these, a maximum of \_\_\_\_ may be multi-family attached, and a maximum of \_\_\_\_ may be single-family detached (townhouse) units. This Policy also allows for the development of up to \_\_\_\_ square feet of commercial square footage on the Arcadia Property.

### Pleasant Hills Golf Course

The 114-acre Pleasant Hills Golf Course is a privately-owned facility located east of Lake Cunningham Park. It is bounded by single-family residences to the north, Vista Verde Drive to the east, Tully Road to the south, and White Road to the west. The site has a General Plan land use designation of Private Recreation, and is unincorporated. Development of the property for any use other than private recreation requires annexation and a General Plan Amendment.

This Policy allows for the development of up to \_\_\_\_ residential units on this site. Of these, a maximum of \_\_\_\_ may be multi-family attached, and a maximum of \_\_\_\_ may be single-family detached (large lot, small lot, or townhouse) units. This Policy also allows

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for the development of up to \_\_\_\_ square feet of commercial square footage on the Pleasant Hills Golf Course.

## Campus Industrial

This 320-acre site is comprised of 16 parcels located in the eastern foothills on the easterly side of Yerba Buena Road adjacent to the *Evergreen Specific Plan Area*. It is bounded by parks and single-family residences to the north and west, the Urban Growth Boundary to the east, a campus industrial park (Hitachi Headquarters) and a riparian corridor to the south.

This Policy allows for the development of up to \_\_\_\_ residential units on this site. Of these, a maximum of \_\_\_\_ may be multi-family attached, and a maximum of \_\_\_\_ may be single-family detached (large lot, small lot, or townhouse) units. .

## Evergreen Valley Community College

The Evergreen Valley Community College Opportunity Site is a 27-acre portion of the Evergreen Valley Community College campus located at the northeast corner of Yerba Buena Road and San Felipe Road. It is bounded by Evergreen Creek to the north, the College campus to the east, Yerba Buena Road to the south and San Felipe Road to the west except the site borders an existing commercial development located immediately adjacent to the intersection of Yerba Buena and San Felipe Roads.

This Policy allows for the development of up to \_\_\_\_ residential units on this site. Of these, a maximum of \_\_\_\_ may be multi-family attached, and a maximum of \_\_\_\_ may be single-family attached (townhouse) units. This Policy also allows for the development of up to \_\_\_\_ square feet of commercial square footage on the Evergreen Valley Community College Opportunity Site. This commercial square footage may be used for either retail or commercial office development, but may not be allocated for development of a grocery store.

## **New Residential Development Unit Pool**

This Policy establishes capacity for the development of up to \_\_\_\_ residential units within the Policy area in addition to the capacity allocated to the four specific properties referred to as “Major Opportunity Sites”. This capacity is held in a pool that may be allocated to any property other than the Opportunity Sites per the allocation criteria set forth in this policy. Of this pool, 25% ( \_\_\_\_ units) is reserved for allocation to small development projects of 4 units or less. The remaining 75% may be allocated to projects of any size. Any type of residential development, including single-family and multi-family residential projects can be allocated units out of this pool. The total amount of residential development allowed under this Policy is the total of this pool and the amount of development specified above for the four Opportunity Sites. This Policy does not allow for any additional residential development beyond these specific amounts.

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## **New Commercial Development Square Footage Pool**

This Policy establishes capacity for the development of \_\_\_\_ square feet of new commercial development within the Policy area in addition to the capacity allocated to the four specific properties referred to as “Major Opportunity Sites”. This capacity is held in a pool that may be allocated to any other property per the allocation criteria set forth in this policy. Typical commercial development includes retail and commercial office projects. New development of such uses will require allocation from this pool or, if this pool is exhausted, trip allocation may be granted for new commercial development from the Other (Non-residential) Development Trip Pool.

## **New Industrial Development Square Footage Pool**

TBD

## **Other (Non-residential) Development Trip Pool**

This Policy also contains provision for other non-residential development beyond the specific amounts of residential and commercial capacity described above through a non-residential trip pool of \_\_\_\_ trips. The number of peak-hour PM trips generated by any proposed non-residential development will be evaluated and must be able to draw the required number of trips from this pool in order to be entitled. This pool provides capacity for a wide variety of uses, excluding residential, and is primarily intended to allow for new cultural and institutional uses not otherwise addressed in the Policy. Commercial development beyond the scope described above may also make use of this trip pool.

## **Public Uses**

Public uses, including City, County, State or Federal development projects (e.g. police stations, fire stations, libraries, neighborhood parks, post offices, schools and transit facilities) are considered exempt from the traffic policies included within this document and do not require pool allocation.

## **IV. TRANSPORTATION POLICY AND STANDARDS**

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### **OVERVIEW**

The City has an adopted Transportation Policy that establishes a citywide Level of Service (LOS) standard of “D” for signalized intersections. Areas of the City with adopted Area Development Policies, as well as the Downtown, have unique, generally

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more permissive standards that vary from the citywide standard in recognition of special circumstances or superseding City goals that make maintaining an LOS of “D” impractical.

Under the previous EDP, an LOS of “D” was also established as a long-term goal for the Evergreen Policy area. Particular land uses were incorporated into the previous EDP so that at full build-out all EDP intersections would reach this LOS standard. A key component of the land use plan was the development of a significant industrial job base on the Campus Industrial Opportunity Site to establish a reverse commute pattern within the Policy area. Providing a job base within the Policy area was projected to improve traffic conditions by decreasing the need for Policy area residents to commute out of the Policy area on heavily congested routes. Because residential development within the Policy area was implemented while the Campus Industrial site remained largely undeveloped, the LOS “D” standard was not met.

## LEVEL OF SERVICE STANDARDS – POLICY AREA PROJECTS

In place of the citywide LOS Standard, the Policy establishes a specific amount of development capacity for new residential, commercial and other forms of development and corresponding transportation infrastructure improvements. Full build-out of this amount of development, including the Major Opportunity Sites and use of all pool capacity, is projected to result in the LOS conditions indicated in Table \_\_\_\_\_. As indicated, some intersections within the Policy Area will operate at an LOS of “E” or “F” following full implementation of this Policy.

As a result, additional analysis of traffic impacts is not anticipated to be necessary for development occurring under this Policy. However, all development projects within the *Policy* area will still be subject to traffic operational analysis.

<b>Intersection</b>	<b><u>Projected LOS Standard</u></b>	
Capitol Expwy & Silver Creek Rd	AM	TBD
	PM	TBD
Capitol Expwy & Ocala Ave	AM	TBD
	PM	TBD
Capitol Expwy & Story Rd	AM	TBD
	PM	TBD
Capitol Expwy & Capitol Ave	AM	TBD
	PM	TBD
San Felipe & Yerba Buena	AM	TBD
	PM	TBD
Nieman Blvd & Yerba Buena	AM	TBD
	PM	TBD

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All other EDP area intersections are projected to maintain LOS “D” or better for AM and PM traffic conditions.

## **LEVEL OF SERVICE STANDARDS – PROJECTS OUTSIDE OF THE POLICY AREA**

If the traffic analysis for a new development project located outside of the Evergreen Policy area determines that the project will generate traffic within the Policy area, the impact of that traffic will be evaluated according to the Citywide Transportation Policy and will need to include mitigation measures or other actions as required by the citywide policy. The City’s Transportation Policy, as notably revised in June of 2005, requires that new development not create a significant impact at a signalized intersection. Generally any development project that causes an intersection to drop below LOS “D” or add a significant amount of traffic to an intersection already operating at LOS “E” or “F” must include improvements to the affected intersection that would fully mitigate the project’s impacts. In June of 2005, the City created a process through which the City can evaluate and determine that improvements to an intersection are not desirable in consideration of other City goals and elect to designate the affected intersections as a “protected intersection” as an alternative to requiring improvement of the intersection.

## **TRANSPORTATION DEMAND MANAGEMENT (TDM) MEASURES**

All new development within Evergreen is required to incorporate transportation demand management (TDM) elements into facility design, to the extent possible, to reduce the demand for single-occupancy vehicles during peak commute periods. A list of possible TDM measures is included as Appendix E to this Policy.

## V. SCHOOLS

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This Policy is consistent with the following City General Plan policies related to school facilities within the Policy Area:

- The City supports a system of open communication between the City, the public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public school students.
- Residential development should be approved only in conformance with City Council Policy. The City encourages school districts and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures. These discussions should occur as early as possible in the project planning stage, preferably immediately preceding or following land acquisition.
- The City should cooperate with school districts in identifying and evaluating the impacts of population and demographic changes which may affect the need for new schools, may lead to school closures, may require the re-opening of closed schools or may lead to the decision that existing school sites should be preserved for meeting future needs.
- The City should support legislative efforts to create suitable and adequate means of financing the construction of school facilities needed for a growing population.
- The City and school districts should cooperate in the joint planning, development, and use of public school facilities combined with other public facilities and services, such as open space, recreation facilities, libraries, fire stations, and community service/ programs. The City should provide all pertinent information on General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.
- The City should encourage the use of available school facilities for childcare purposes.

## VI. TRANSPORTATION INFRASTRUCTURE

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### OVERVIEW

A key element of the *Evergreen Development Policy* is the construction of new transportation infrastructure projects concurrent with the construction of new development within the Policy area. These transportation projects are divided in to four



categories: **Project Transportation Improvements, Transportation Mitigation Measure Improvements, Transportation Amenities and Site Operational Improvements.** These improvements will be implemented through provisions set forth in this Policy, the associated Financing Agreement, a Traffic Impact Fee, and/or as part of the entitlement process. A Nexus Study has been prepared to establish the relationship between new development and the Project Transportation and Transportation Mitigation Measure improvements to be funded through the Traffic Impact Fee. The Project Transportation Improvements and Transportation Mitigation Measures are also referred to collectively as the “Base Improvements.”

## PROJECT TRANSPORTATION IMPROVEMENTS

This set of transportation infrastructure improvements are voluntarily proposed to be funded by the developers of the Opportunity Sites beyond the scope of typical development-funded transportation mitigation programs. The Project Transportation Improvements are incorporated into the traffic analysis and environmental review that form the basis of the Transportation Policy and Standards set forth in this Policy. Consequently, their implementation is a foundational element for any utilization of the Policy’s development capacity, and their funding must occur concurrently with the development of the Opportunity Sites. The funding for these improvements is provided through the Financing Agreement and is a required component of the second Phase of development as detailed in the Implementation section of this Policy. A detailed explanation of these improvements is included as Appendix F to this Policy. The specific improvements are:

- 1) *Operational Improvements on U.S. 101 between 280/680 & Yerba Buena Road:* This improvement is identified in the *US 101 Corridor Study* completed by the Valley Transportation Authority (VTA) in 2004. The improvement includes increased mainline and ramp capacity and the conversion of the full cloverleaf interchanges at Tully Road and Capitol Expressway to partial cloverleaf designs. In the northbound direction, the design includes adding an HOV lane to the Tully on-ramp, adding a mixed-flow lane to the Capitol on-ramp, and providing two mixed-flow on-ramps from Yerba Buena (separating Yerba Buena from Capitol). In the southbound direction, the design includes an auxiliary lane from Tully Road to Capitol Expressway and a mainline lane from I-280 to Capitol.
- 2) *White Road Improvements:* White Road is proposed to be widened and restriped to its full planned six-lane configuration from south of Ocala Avenue to Quimby Road; and from Stevens Lane to Aborn Road. The improvements include but are not limited to sidewalk, bike lanes, pavement, and a landscaped median island. Additional through and/or turn lanes will be added at the intersections with Ocala, Tully, Norwood, Quimby, Stevens, and Aborn.

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- 3) *Reconfiguration of Ocala Avenue between Capitol Expressway and White Road:* Ocala Avenue will be widened to four lanes, two in each direction, between Capitol Expressway on the west and White Road on the east, a distance of approximately 0.7 miles. The work will occur within the existing right-of-way and the “widening” will consist of restriping a short segment of pavement just west of White Road.
- 4) *Improvements along Capitol Expressway between Quimby Road and U.S. 101:* The existing High Occupancy Vehicle (HOV) lanes between U.S. 101 and Nieman Boulevard will be converted to “mixed-flow” lanes, meaning that their use during weekday peak commute periods will no longer be restricted to vehicles with two or more occupants. [Note: Independently of this project, the planned and approved Capitol Expressway LRT extension will be removing the HOV lanes on Capitol Expressway between Nieman Boulevard and I-680.] Other improvements on Capitol Expressway between U.S. 101 and Quimby Road will consist of the addition of sidewalks, landscaping of the median, the addition of street lights, the planting of trees, pavement work, and traffic signal upgrade/modification. All work will occur within the existing right-of-way. The timing of these improvements will coincide with the LRT project and/or the relinquishment of Capitol Expressway from County jurisdiction to City jurisdiction.
- 5) *Intersection Improvements:* Additional through and/or turn lanes and operational improvements are included at fourteen intersections in Evergreen in order to provide additional capacity and reduce delay. The intersections include White Road/Ocala Avenue/Marten Avenue, White Road/Tully Road, White Road/Norwood Avenue, White Road/Quimby Road, White Road/Stevens Lane, White Road/Aborn Road/San Felipe Road, Yerba Buena Road/San Felipe Road, Yerba Buena Road/Silver Creek Road, King Road/Tully Road, Aborn Road/Ruby Avenue, Capitol Expressway/Quimby Road, Capitol Expressway/Aborn Road, Capitol Expressway/Silver Creek Road, and Capitol Expressway/McLaughlin Avenue.
- 6) *New Traffic Signals/Modifications:* The City of San Jose determines the need for new traffic signals based on a system of “warrants,” which analyze whether a traffic signal at a particular location would reduce traffic delays, reduce accidents, or help pedestrians. This Policy includes installation of traffic signals at the highest priority locations based upon improvements for safety and efficiency and based on existing and projected future traffic volumes. New traffic signals or signal modifications are planned for the intersections at Ruby Avenue/Norwood Avenue, I-680 Ramps (N)/Jackson Avenue, Ruby Avenue/Tully Road, Story Road/Clayton Road, Marten Avenue/Flint Avenue/Mt. Rushmore Drive, Quimby Road/Scottsdale Drive, Nieman Boulevard/Daniel Maloney Drive, Story Road/Lancelot Lane, Ocala Avenue/Hillmont Avenue, and Ocala Avenue/Adrian

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Way. Staff may conduct additional signal warrant studies in the future to confirm that these intersections are warranted prior to installation.

## **TRANSPORTATION MITIGATION MEASURE IMPROVEMENTS**

These improvements address specific traffic impacts associated with full build-out of the Policy's development capacity and will directly benefit traffic flow within the Policy area. Although their construction was not initially proposed by the developers of the Opportunity Sites, they were identified as necessary traffic mitigation through the traffic analysis prepared for this Policy. They are a required element of the second Phase of the phasing plan included in the Implementation Section of this Policy. Their construction will be funded by the developers of the Opportunity Sites, under the terms of the Financing Agreement and by using fees collected from a Traffic Impact Fee applied to all new residential pool allocations. Because development on the four Opportunity Sites is subject a separate Financing Agreement that includes a fair contribution towards traffic mitigation, development on the Opportunity Sites is not subject to the Traffic Impact Fee. Additional details of the Traffic Impact Fee are discussed below in the Implementation Section and also addressed within the Financing Agreement. The specific mitigation measures are:

- 1) Capitol Expressway and Quimby Road (Scenario II thru VI): A northbound right-turn lane and an eastbound right-turn lane will be added to this intersection.
- 2) Nieman Boulevard and Yerba Buena Road (Scenario VI: partial mitigation): A second westbound left-turn lane will be added to this intersection.
- 3) Tully Road and McLaughlin Avenue (Scenario II thru VI): An exclusive northbound right-turn lane will be added to this intersection.

## **TRANSPORTATION AMENITIES**

Some transportation improvements provide a benefit to traffic flow, pedestrian safety or other factors that has not been specifically quantified in existing City policy or standard traffic analysis practices. Examples include a proposed Intelligent Transportation System (ITS) Network, construction of sections of the Thompson Creek Trail, new bike lanes, transit system enhancements and traffic calming measures. Selected improvements in this category are listed with the other Amenities below and will be funded according to the Phasing Plan.

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## **SITE OPERATIONAL IMPROVEMENTS**

Additionally, some local transportation infrastructure improvements will need to be built as development occurs on specific properties. These improvements address local circulation needs or implement established improvement plans and are not specifically identified in this Policy. Their construction will be implemented through the application of standard development review and entitlement procedures.

## VII. COMMUNITY AMENITIES

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### OVERVIEW

The second key element of the *Evergreen Development Policy* is the construction of amenities identified by the community as necessary to improve the quality of life in the Policy area. These amenities include new parklands and cultural and recreational facilities of general benefit to the local community. The funding for these amenities is linked to the entitlement of new development on the four Opportunity Sites as outlined in the Phasing Plan included within the Implementation section of this Policy and specifically detailed in the Financing Plan.

The construction of the Amenities will occur over time as private development projects are implemented. While preliminary cost estimates have been prepared for most of the Amenities identified in this Policy, projected construction costs will be refined once design work is completed and ultimately determined at time of construction. The developers of the four Opportunity Sites, through this Policy, must provide a specific amount of money for the construction of Amenities. The timing of the availability of that funding will not be determined until issuance of the pertaining entitlements as set forth in the Phasing Plan. Some amenities are located on specific Opportunity Sites and their full implementation may be difficult or impractical ahead of the development of the site. When amenities are located on an Opportunity Site, any required land dedication will take place as part of the specific entitlement process for that Opportunity Site. Accordingly, specific land dedication minimum thresholds are included in the Phasing Plan. In general, the specific timing for the construction of the Amenities will need to be flexible to allow for practical application of the Policy.

The Amenities have been placed into four groups, identified as Tier 1 through Tier 4. Tier 1 amenities are considered the most important to the community and their funding and construction will be given the highest priority. Tier 2, Tier 3 and Tier 4 follow in sequential order of importance. Full funding of Tier 1 amenities is a prerequisite, per the Phasing Plan, for development of the later phases. While the amenities within each Tier are also ranked, the order of their implementation may vary from that ranking based upon the availability of funding and other factors. All amenities in one tier must be fully funded before funds are allocated to an amenity in a later Tier. Because the preliminary cost estimate for the full Amenity List exceeds the anticipated funding available, it is expected that only a portion of the Amenity List can be fully funded through the implementation of this Policy. Descriptions of these Amenities are included as Appendix G of this Policy.

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## **TIER 1 AMENITIES**

1. Community Youth Sports Fields (Baseball)
2. Community/Youth Center and Gym on Arcadia Site
3. Intelligent Transportation Systems (ITS) Network
4. New Traffic Signals & Other Major Intersections/Roadways
5. Sports Facilities at August Boeger Jr. High/Fernish Park
6. Sports Complex

## **TIER 2 AMENITIES**

7. Thompson Creek Trail
8. Traffic Calming
9. Sports Fields and Other Enhanced Park Improvements on Industrial Site
10. Ocala Softball Fields
11. Enhanced New Neighborhood Park at Pleasant Hills
12. Lake Cunningham Regional Skate Park

## **TIER 3 AMENITIES**

13. Open Space and Trail Connections (Upper Silver Creek)
14. Fowler Creek Park Master Plan Phase II & III
15. Hank Lopez Community Center & Hillview Library Renovation
16. Transit Enhancement
17. Nieman Pedestrian Overcrossing
18. Neighborhood Park Improvements (various parks)

## **TIER 4 AMENITIES**

19. Median Island Landscaping
20. Curb Ramps
21. Street Trees
22. Southeast Branch Library Expansion
23. Community Center on Pleasant Hills
24. Mount Pleasant Multiuse Complex
25. PG&E (Wenlock) Trail
26. Build-out Groesbeck Park
27. Bike Lanes
28. Aquatics Center
29. Yerba Buena / San Felipe Roads Improvements by Creek
30. Youth Sports Complex
31. Lake Cunningham Park Improvements
32. Lake Cunningham Pedestrian Overcrossing
33. Additional Tennis Courts
34. Recreational Ice Skating Rink

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## **RELATIONSHIP TO PARKLANDS DEDICATION ORDINANCE / PARK IMPACT ORDINANCE**

Development within the Policy area, including the Four Opportunity Sites is subject to the provisions of the City's Parklands Dedication Ordinance (PDO) and Park Impact Ordinance (PIO). The precise PDO and PIO requirements for the four Opportunity Sites will be determined as development goes forward on those sites, based upon the pertaining PDO and PIO and the specific number and type of residential units developed at that time. In most cases the Four Opportunity Sites will be required to donate raw land for park/amenity uses to meet their PDO/PIO requirement. Funding for specific park sites identified on the preceding amenity list does not count toward the fulfillment of PDO and PIO requirements, but rather is intended to provide for parklands in addition to those implemented through the PDO and PIO.

All development within the Policy area and not on the four Opportunity Sites will need to meet the standard parkland dedication requirements established within Parklands Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) as well as any other applicable City requirements. Implementation of the PDO/PIO will be used to provide parklands in addition to the specific improvements identified on the Amenity List in this Policy or to provide an additional funding source to allow construction of additional items on the Amenity List.

## VIII. IMPLEMENTATION

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### REVIEW OF NEW DEVELOPMENT PROJECTS

All new development within the Evergreen Development Policy Area will be subject to the City's standard procedures and policies for the review of new development within the City of San Jose. Projects should conform to the General Plan, applicable design guidelines and other policies and regulations unless specifically provided for otherwise in this Policy or the accompanying Financing Agreement. Additionally, all new development within the Policy area should be consistent with the site design, architectural design and other items set forth in the Guiding Principles incorporated as Appendix B of this document and the Guiding Principle Design Guidelines incorporated as Appendix C.

### ALLOCATION OF DEVELOPMENT CAPACITY

Allocation of the development capacity provided through this Policy is determined according to the criteria set forth in this section. The traffic impact analysis completed with the Project EIR includes all development in the following sections and no further traffic impact analyses is required; except that all development projects within the *Policy* area remain subject to requirements for traffic operational analysis per the discretion of Director of Public Works. Allocations are made at the time of initial Planning entitlement action (the first of either Planned Development Zoning, Development Permit, Vesting Tentative Map, Development Agreement or equivalent action) and remain in place unless all such entitlements expire. Development of the Opportunity Sites is constrained by the Phasing Plan included in the Implementation Section of this Policy. Development utilizing allocation from a development pool may occur at any time after the completion of Phase 1 in the Phasing Plan.

All new development within the Policy Area, including development on the Opportunity Sites and projects that make use of existing allocations, existing trip credits, or allocation of new development pool capacity must:

- Be consistent with the City of San Jose General Plan
- Be consistent with the Guiding Principles for Land Use and Transportation Planning in Evergreen
- Be substantially consistent with the Guiding Principle Design Guidelines
- Not require modification of the Urban Service Area or Green Line boundaries.
- Not create significant adverse effects upon the environment (specifically projects must not require significant grading or other alteration of the natural environment.)



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## Existing Allocations

Allocations and development rights existing at the time of adoption of this Policy remain in place and do not require any further consideration.

## Properties with Existing Residential Use or Other Uses

Existing properties that have existing residential or non-residential uses will be allowed to apply their traffic generation equivalency to proposed new developments provided the existing use is legally permitted and the proposed use is consistent with applicable City policies and ordinances without additional allocation under this Policy.

## Opportunity Sites

The opportunity sites are allocated development capacity as described in the Land Use section above and according to the provisions in the following Phasing Plan. Additional residential allocation may not be made to the Opportunity Sites.

## Residential Pool Allocation

Residential development capacity for new projects outside of the Opportunity Sites will be allocated at the time of any Planning permit or zoning action. Once allocated, units are removed from the Residential Development Unit Pool and no longer available for allocation to other properties. Generally allocation is granted on a chronological basis at time of permit or zoning according to the provisions below. Allocation from this pool is not subject to the Phasing Plan. If a permit or zoning expires or is replaced by a new entitlement, any displaced allocation is returned to the appropriate pool and becomes available for new projects. All projects receiving allocation from the Residential Development Unit Pool are subject to the Traffic Impact Fee.

No more than 25% (    Units) of the initial total Residential Development Unit Pool capacity may be allocated to any single development project. Additionally, 25% (    Units) of the initial Pool Capacity is reserved for small projects of four units or less and may not be allocated to larger projects. The remaining 75% (    Units) may be allocated to any project, provided that it meets at least two of the following criteria:

1. Consistency with General Plan – projects receiving allocation must not require amendments to the General Plan or use of a Discretionary Alternate Use Policy.
2. Affordable Housing – projects are encouraged that incorporate affordable housing in excess of compliance with other City requirements. In order to meet this criteria, a project must have at least 20% of units reserved to be available for moderate income families in addition to fulfillment of any other City requirements.
3. Mixed-Use and Transit Oriented Design – projects are encouraged that incorporate mixed-use elements (e.g. ground floor retail with office or residential above), are located in close proximity to transit facilities or otherwise encourage pedestrian and transit activity through density and site design features.
4. Environmental Sustainability – projects are encouraged that utilize green building measures. To meet this criterion, a project must incorporate a significant portion of the Green Building design actions listed in Appendix D of this document or

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comparable actions that become available with technological advances, so as to qualify for LEED certification or incorporate a comparable level of Green Building Design measures.

5. Diverse Housing Types – projects are encouraged that increase the range of housing options available to Evergreen residents. In order to meet this criterion, at least 50% of the units in a project must be either attached units or detached units with less than 1,500 square feet of total living area.
6. Cultural Resources – projects that incorporate significant cultural resources, either through preservation and integration of identified historic structures or through the creation of a new cultural resources (e.g. community center, museum).

## Commercial and Other (Non-residential) Pool Allocation

Development capacity for new projects outside of the Opportunity Sites is allocated from the corresponding pools to properties as follows. Square footage or trips are removed from the appropriate pool at issuance of any Planning permit or zoning action and no longer available for allocation to other properties. Generally allocation is granted on a chronological basis at time of permit or zoning. This Policy does not establish additional criteria for allocation to non-residential projects other than those listed at the start of this section.

## Projects outside of EDP area

New projects outside of the *Policy* area, which may impact gateway intersections, will be subject the City's Level of Service Policy 5-3.

## Unforeseen future projects

Any development projects beyond the scope of the *Policy* and Project EIR will require an update to the *Policy* and additional environmental review. Impacts upon intersections outside of the *Policy* area will be subject to City Level of Service (LOS) standards.

## **FINANCING OF IMPROVEMENTS**

Property owners or developers will be required to provide funding for the transportation improvements and community amenities prior to the issuance of permits for new development. This funding will be provided by the developers of the Opportunity Sites through payments made according to the Phasing schedule outlined below. The precise terms of this funding obligation are set forth in a separate Financing Agreement document. Developers of the residential units outside of the four Opportunity Sites and within the *Policy* area will also contribute towards the funding of the transportation improvements and community amenities through a Traffic Impact Fee (TIF) and fulfillment of Parkland Dedication Ordinance (PDO) and/or Park Impact Ordinance (PIO) requirements. The total estimated cost or value of the Base Transportation

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Improvements and Amenities included within the Phasing Plan is \$255 Million (2006 dollars), utilizing revenue from two sources: Developer Contribution and the TIF.

The majority of the Transportation Improvements and Amenities included within this Policy will be financed through fees collected from the developers of the Opportunity Sites prior to the issuance of entitlements for new development on those sites. As outlined in the Phasing Plan, the first payment is required prior to the first Rezoning for any of the Opportunity Sites. Additionally, the property owners or developers of the Opportunity Sites must complete with the City of San Jose (signed and executed) a funding agreement for the full design and construction costs of the US 101 Highway improvement. Additional requirements for each phase are listed in the Phasing Schedule The specific number of building permits that may be issued for development on the Opportunity Sites is listed for each phase. Allocation of the pool development capacity may occur at any phase.

Based upon the Phasing Plan, entitlement of the development capacity for the four Opportunity Sites is distributed over seven discrete phases. Phase 1 is initiated by the rezoning of one or more of the Four Opportunity Sites. All subsequent phases are initiated by the issuance of building permits up to a specific number of units, distributed in any fashion amongst the Opportunity Sites.

Construction of the Base Improvements (Project Transportation Improvements and Transportation Traffic Mitigation Measures) must be fully funded prior to commencement of the third phase as shown in the Phasing Schedule, regardless of their cost. The City will begin design work and refine calculations for the cost of these transportation improvements using funds provided during the first and second phases. Because the funding provided in Phases 1 and 2 may not be sufficient to complete all design work, design work may continue utilizing funding provided in subsequent phases. At the beginning of Phase 2, the developers of Phase 2 units will provide funding for the full cost of all of the Base Improvements based upon the best information available at that time and funding for their full cost will be secured with the City prior to issuance of Building Permits for the third phase. Phase 2 also includes funding for Amenity projects. If the TIF portion of funding for transportation improvements is not yet available at the conclusion of Phase 2, all or a portion of the Phase 2 Amenity funding may be used to complete funding of the Base Improvements. The total amount of Amenity funding will be reimbursed once the TIF funds are collected.

Successive phases require the developers of the Opportunity Sites to pay a specific dollar amount, adjusted for inflation, prior to issuance of Building Permits. This money will be used to fund the design and construction of Amenity List items, according to their prioritization. (Alternatively some “Must Have” amenities may be required at a particular phase, based upon their cost.)

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Property developers may request to establish a Community Facilities District (CFD) as a financing mechanism, but funding for each phase must be provided in advance of entitlement per the Phasing schedule regardless of the timeline for a CFD.

## Traffic Impact Fee (TIF)

New residential development occurring pursuant to this Policy excepting the four Opportunity Sites will be subject to a Traffic Impact Fee. Non-residential development projects are not subject to the Traffic Impact Fee. The Traffic Impact Fee is based upon a fair-share contribution towards the cost of providing transportation improvements that directly mitigate the traffic impacts associated with new residential development. Because traffic generation rates are different for multi-family and single-family development types, the Traffic Impact Fee amount is tied to the type of development.

The Traffic Impact Fee is initially set at \_\_\_\_ for multi-family development and \_\_\_\_ for single-family development based upon the total cost of the transportation mitigation improvements and the number of residential units included within the Policy. Residential development on the four Opportunity Sites is not subject to the Traffic Impact Fee. The Traffic Impact Fee only covers the contribution toward improvements that mitigate the impacts of the Residential Pool units, staff cost to administer the Traffic Impact Fee Program and management of the residential pool allocation. The Traffic Impact Fee is initially programmed to increase annually by 3.3% (or based on CPI) to match project inflation rates for construction costs. The City will periodically review changes in construction costs to determine if this rate of increase is appropriate and make adjustments as necessary to insure that funds generated by the Traffic Impact Fee will be adequate to fully pay for the transportation improvement measures identified as project mitigation within this Policy.

<b>DRAFT Traffic Impact Fee Schedule</b>		
Year	Fee Amount (\$) per PM Peak-Hour Trip	
	Single-Family	Multi-Family
2007	<b>TBD</b> based upon # of units (i.e. \$7,950 ~ \$12,383)	<b>TBD</b> based upon # of units (i.e. \$6,023 ~ \$9,381)
2008	TBD (2007 Amount + 3.3%)	TBD (2007 Amount + 3.3%)
2009	TBD (2008 Amount + 3.3%)	TBD (2008 Amount + 3.3%)
•	•	•

Funds collected through the Traffic Impact Fee are used to fund the Project Transportation Improvements and Transportation Traffic Mitigation Measures. Because these items will have been fully funded at the conclusion of Phase 2, any TIF monies subsequently will be used to reimburse the funding of the Phase 2 amenity costs. The total projected revenue from the TIF is project to be *TBD (approximately \$3-6 Million)*.

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## **PARKLAND DEDICATION ORDINANCE AND PARKS IMPACT FEE**

All New residential development occurring pursuant to this Policy ~~excepting the four Opportunity Sites~~ will be subject to the citywide Parkland Dedication Ordinance and Parks Impact Fee requirements. Funds collected through the administration of these programs should be used to finance amenities listed in this Policy according to the established prioritization.

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## DEVELOPMENT PHASING SCHEDULE

Phase	Entitlements/ Building Permits Issued	Transportation/ Community Amenities For Opportunity Sites	Developer Obligation to Fund/Construct (Estimated Cost in 2005 \$)
I	1 <sup>st</sup> PD Permit Approval	Fund design work for Phase II Transportation & Community amenities components, including but not limited to, planning, property acquisition and design work.	<u>\$20M</u> <u>(\$17M is for Base Improvements &amp; \$3M is for Amenities)</u> <u>And</u> <u>Completion of US 101 Funding Agreement</u>
II	Up to 50% of Opportunity Site Units  100% of Pool Capacity	Fund construction for the following:  <u>Transportation (All Base Improvements):</u>  <u>Community Amenities:</u> <ul style="list-style-type: none"> <li>TBD – based upon cost/funding available.</li> </ul> Fund various Phase III Transportation & Community Amenities components, including but not limited to, planning, property acquisition and design and construction work.	Funding for all Base Improvements (Estimated Value \$100M)  And Contribution for Amenities of \$10M  And <u>20 Acres of Parkland Dedication*</u>
III	Up to 60% of Opportunity Site Units	Fund construction for the following:  <u>Community Amenities:</u> <ul style="list-style-type: none"> <li>TBD – based upon cost/funding available</li> </ul> Fund various Phase IV Transportation & Community Amenities components, including but not limited to, planning, property acquisition and design and construction work.	Contribution \$25M + any additional amount needed for the Base Improvements  And <u>5 Acres of Parkland Dedication*</u>
IV	Up to 70% of Opportunity Site Units	Fund construction for the following:  <u>Community Amenities:</u> <ul style="list-style-type: none"> <li>TBD – based upon cost/funding available</li> </ul>	Contribution for Amenities of \$25M  And

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		Fund various Phase V Transportation & Community Amenities components, including but not limited to, planning, property acquisition and design and construction work.	<u>5 Acres of Parkland Dedication*</u>
<b>Phase</b>	<b>Entitlements/ Building Permits Issued</b>	<b>Transportation/ Community Amenities For Opportunity Sites</b>	<b>Developer Obligation to Fund/Construct (Estimated Cost in 2005 \$)</b>
V	Up to 80% of Opportunity Site Units	<p>Fund construction for the following:</p> <p><u>Community Amenities:</u></p> <ul style="list-style-type: none"> <li>TBD – based upon cost/funding available</li> </ul> <p>Fund various Phase VI Transportation &amp; Community Amenities components, including but not limited to, planning, property acquisition and design and construction work.</p>	<p>Contribution for Amenities of \$25M</p> <p><u>And</u></p> <p><u>5 Acres of Parkland Dedication*</u></p>
VI	Up to 90% of Opportunity Site Units	<p>Fund construction for the following:</p> <p><u>Community Amenities:</u></p> <ul style="list-style-type: none"> <li>TBD – based upon cost/funding available</li> </ul> <p>Fund various Phase VII Transportation &amp; Community Amenities components, including but not limited to, planning, property acquisition and design and construction work.</p>	<p>Contribution for Amenities of \$25M</p> <p><u>And</u></p> <p><u>5 Acres of Parkland Dedication*</u></p>
VII	Up to 100% of Opportunity Site Units	<p>Fund construction for the following:</p> <p><u>Community Amenities:</u></p> <ul style="list-style-type: none"> <li>TBD – based upon cost/funding available</li> </ul>	<p>Contribution for Amenities of \$25M</p> <p><u>And</u></p> <p><u>5 Acres of Parkland Dedication*</u></p>

Table Note: Funding must be secured prior to issuance of building permits for each phase. Estimates shown in this table are based on 2006 dollar amounts and will be adjusted annually based upon inflation of construction costs. The estimated cost value of improvements in Phase II is based on limited project descriptions and will need to be refined following completion of design work for those improvements. Prior to

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the issuance of Phase II building permits, the funding amount will need to be updated to reflect the latest estimates and inflation. Additionally, actual park acreage dedicated with each phase may change based on the number of affordable units constructed, exempting those units from the City's PDO/PIO requirement.

## **COMMUNITY REVIEW**

Prior to the implementation of Phase IV, the City will conduct a review of the implementation of this Policy with the Evergreen community. All participating Task Force and community members will be invited to participate in a progress report and evaluation of the Policy outcomes. Any recommendations from this review will be used to consider a possible update of this Policy accordingly.